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SPEECHES

OF

HON. HENRY M. CLAYTON,

DELAWARE,

IN THE SENATE, MARCH 31, AND APRIL 1, 1856,

IN REPLY TO

SENATOR HOUSTON, OF TEXAS, AND OTHERS,

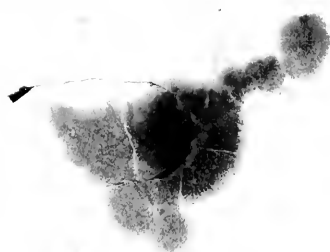
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IN DEFENSE OF THE NAVAL BOARD.

WASHINGTON:

PRINTED AT THE OFFICE OF THE CONGRESSIONAL GLOBE.

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NAVAL RETIRING BOARD.

The Senate proceeded to consider the following resolutions, submitted by Mr. IVERSON on the 29th of February:

Resolved, That a committee of — Senators be appointed by the Chair, with power to send for persons and papers; and that said committee be, and are hereby, authorized and instructed to summon before it the members of the late "Naval Retiring Board," or such of them as may be conveniently brought before the committee, and examine them upon oath as to the facts and evidence, grounds and reasons, upon which the action of said board was founded in each case of the officers recommended to be put upon the retired list, or dropped from the service; and that said committee be further instructed to inquire and obtain any other facts which in their opinion may bear upon the cases aforesaid, and report the same to the Senate.

And be it further resolved, That said committee be authorized and instructed to advise and consult with the President of the United States, in relation to the cases of said retired and dropped officers, with the view of correcting any error or injustice which may have been committed by the action of said retiring board, by the reappointment, or restoration by the President, of such officers as may have been unjustly or improperly retired or dropped.

Mr. IVERSON, Mr. SLIDELL, and Mr. BUTLER, addressed the Senate. Having concluded—

Mr. CLAYTON said: Mr. President, in the whole course of my experience as a member of this body, I do not recollect the discussion of any question, in the course of which so many Senators have so often departed from the great landmarks and fundamental principles of our Government as in that now before us. I came into the Senate on the 4th of March, 1829, when President Jackson was first inaugurated; and at the succeeding session of 1829-'30, the great question which agitated this body was in relation to the President's power of removal. I was one of those who were then called National Republicans, afterwards denominated Whigs. A large majority of the Senate at that time was composed of gentlemen then called Jackson men, who some time after assumed the name of Democrats. On our side of the Senate, some of us undertook to question the removing power. At first there were some—but very few—who denied the existence of such a power. I was one of these who exerted themselves to the utmost to find some mode of restrain-

ing the exercise of this power. I entertained then, and do yet entertain, abhorrence of the tyranny extended to the victims of political warfare. In a speech on the resolution of Mr. FOOT, in 1830, I denounced this tyranny, and throughout that and succeeding sessions of Congress, I labored not only to discountenance and condemn it, but to restrict the practical application of the power within the limits of what I then held to be the spirit of the Constitution; but I did not, and I could not, deny the existence of the power; and I will venture now to say, that by recurring to the debates of that day there cannot be found more than one or two instances in which any Senator ventured to deny the existence of the power in the President. On that occasion, representing a party of men who held themselves to be greatly aggrieved by the hundreds and thousands of removals from office which the President made—sensitive for the very reasons which have been stated to-day by the honorable Senator from Georgia, [Mr. IVERSON,] in relation to the character of those who were removed, we sought for any and every measure which we thought could be constitutionally resorted to as a means of redress. We proposed, as you will find by looking to the Journals of that period, resolutions inquiring into the causes of the removal of persons who had been ejected from office; and we desired the determination of the propriety of each removal before the Senate acted on the nominations which were made by the President.

We discussed the question at length. You will find, by looking back to the history of that period, that Mr. Barton, of Missouri, introduced such resolutions as I have mentioned, and discussed them with great ability. You will find that, in every instance when the question was moved, the Democratic party, then called the Jackson party, unanimously voted down every resolution denying or calling for the reasons of executive removals. By referring to the debates of that day you will find that every debater on the Democratic or Jackson side of the Senate, denied utterly the power of the Senate to look behind the nomin-

ations and inquire into the causes of removal. Such, I repeat, was not my opinion. I say again, I endeavored at the time to vindicate the opposite position, but I was voted down. The party with which I was associated was always beaten upon that question. We were voted down at every succeeding session whenever the question was raised, throughout the whole of my congressional career; and there never was an instance in which it was decided that the Senate of the United States had authority to limit or control the removing power of the Executive.

The result was that, as a majority of the sovereign States of the Union held that doctrine for twenty-five years or more, I at last acquiesced in what I could not prevent, and was forced to succumb to the views of the majority. All my political friends finally yielded and gave up the point, considering that the voice of the people of the United States had sustained our opponents on the whole matter in difference between us. We finally abandoned, not by any public recantation, but by our silence, resistance to the removing power, as a point of political controversy; and hence, for many years past, you have scarcely heard a word on this topic in the Halls of Congress.

Ever since the days of General Jackson, each successive President has exercised this power of removal without question from any quarter whatever. He has exercised it in every instance without control, without record, without trial, and without giving notice to the party accused. No man has contended for years past that a person removed from office had a right to demand from the Executive of this country the reason for which he was removed, or might require a trial before he was removed, or the production of a record to show the grounds for his removal, or that notice should be given him, and that he should be heard anywhere in regard to the removal. We had in vain denounced the tyranny of the prescriptive policy, and we yielded, however reluctantly, to the popular will.

Then, sir, having known this to be the settled doctrine of the Senate and of the country for a quarter of a century at least, I have been amazed, during the progress of this discussion, throughout the whole session, to find some of the most distinguished Senators in this body complaining that the Constitution has been violated, because officers in the naval service have been removed without trial, without being notified of the cause or nature of the accusation against them, and that there has been no record kept of the testimony against them. It appears to me that there is a settled conviction in the minds of some honorable gentlemen here, that the members of the naval profession are entitled to a trial, to notice, to a hearing, to a record, although President Jackson struck from the rolls of the Navy the names of Lieutenant Hunter, and all his associates in a duel, without any of these, and also without any pretension at that day that he had no power to do it. This is a strange doctrine, especially when announced from the Democratic side of the Senate. It would be a novel doctrine to the men of that party who were in the Senate from 1830 to the present period. During this interval no man has pretended that such a doctrine could be sustained on a vote here. But now we are suddenly told that naval officers

have the rights, so long denied to them and all others, that the removal of them by the President on the advice of the naval board, without giving them notice of the cause and nature of the accusation against them, and admitting them to a full and fair hearing on any charge made against them, is repugnant to the principles of civil liberty, contrary to the Constitution, too, and to all our old notions of judicial fairness and integrity. We have heard to-day the thunder of the eloquence of the Senator from Georgia, reminding me strongly and strangely of the tones which I heard on the Whig side of the House in the year 1830, when the Whigs complained of the outrages, as they asserted them to be, perpetrated by President Jackson on their friends in removing thousands of them from office without trial and without knowledge of the grounds on which they were accused. It sounds strangely, I say, sir, to me, coming, as it now does, from the other side of the Chamber, where the opposite doctrine has always hitherto been maintained.

Now, sir, it seems to me that these notions which have crept into the Senate in regard to notice and record, and which claim for officers of the Navy an exemption from the rule that prevails in regard to all other officers not judicial, are founded on an entirely erroneous idea of the character and nature of a navy and an army. So far from a naval or military officer being entitled to an exemption from this rule, I say that the principle which has been applied by the Presidents of the country since the adoption of the Constitution in 1789 to the present day, in regard to removals from office, applies to their cases with ten-fold force. We are told that the removals of naval officers under the operation of this law are contrary to the principles of republican liberty; and the Legislature of Virginia has ventured, in substance, to affirm this. Sir, what have the principles of republican liberty to do with the government and organization of an army or navy? How are you to control a navy or an army—to govern crews and soldiers, upon your principles of republican liberty? The government of a navy, to a great extent, must necessarily be a military despotism, where supreme power is vested in the commander, and absolute submission required from the men and inferior officers. The moment this state of things ceases to exist on board ship, the crew and commander are worthless; they cannot fight with effect in defense of the country. It results, necessarily, from the very nature of this military power, that the commander must have absolute control of those who are under him, and they must submit to his orders. Why, sir, from all that we have heard in the course of this debate, we may expect after a while that honorable gentlemen will claim, in behalf of naval officers, that whenever a commander of a ship shall order a lieutenant to “consider himself under arrest,” the lieutenant may get out a writ of *habeas corpus*, and inquire into the propriety of the commander’s order. The idea of claiming that these officers, and these alone, are entitled to a trial and a hearing before removal, has been carried so far in this debate that I do not know what limit may now be assigned to their demands short of a law to give them an estate for life in their offices. Judging from the commentaries here made by my honor-

able friend from South Carolina, [Mr. BUTLER,] the gentleman from Georgia, [Mr. IVERSON,] and others, people will suspect that naval officers are soon to be established as a privileged class in this country, who are hereafter to enjoy a vested right of property in their offices, of which they can never be deprived but by a jury trial.

Mr. BUTLER. I desire to propound a question to my friend from Delaware, for I have great respect for his opinions and investigations. He assumes, what I suppose is now the practice, that the President has the right to dismiss any civil officer at his mere will and pleasure, because he may dislike him or be politically opposed to him. Will my friend also assume the broad ground that the President, at his mere pleasure, has a right to dismiss a military or naval commander, however eminent he may be, because he may have a personal dislike towards him, or may be opposed to him in politics?

Mr. CLAYTON. I will answer my friend with great pleasure. I have had the same question proposed to me before. The question is, has the President the right to remove any naval officer at his pleasure? I answer, that the commission of every officer, naval, military, or civil, bears on its face the true tenure of his office. He is, by the terms of it, to hold the office "during the pleasure of the President," unless he be a judicial officer. That answers the question of my friend from South Carolina. If he means to inquire of me whether I think it right, *in foro conscientie*, for the President of the United States to remove an officer of the Army or Navy, arbitrarily, without reference to the public interest, which alone should control him in all removals, I tell him, as I have always told others, that removals so made are gross abuses of executive power. But when the President removes, how can you inquire into the grounds of his action? You cannot reach him. The effort was made in the Senate again and again, more than a quarter of a century ago, to ascertain the reasons for executive removals, and it always failed. No President has permitted any Senate, and no President, I venture to say, ever will permit any Senate to take him to task as to the grounds on which he has made his removals. The result of all such experiments is, that the President has the power, and is responsible only to God and the country for its exercise.

It is true that Mr. Madison, in 1789, said that for the removal of a meritorious officer without sufficient cause he thought the President might be impeached. That was the expression of opinion of a distinguished man, but I cannot say that I have confidence in an impeachment as a remedy for abuses of executive power. I do not believe that from this moment until the end of the Republic, any House of Representatives will ever prefer articles of impeachment against a President of the United States for removing any man from office. Nor can it, in the nature of things, according to the mode in which the Senate is organized, ever happen, if the House should present such an impeachment, that the Senate would convict the President and remove him from his office. No, sir, the Senate, like all other legislative bodies, is a political body. It has partisan preferences, and will always have them. There will always be in this body, in favor of any

President who may remove any man—I care not whom—more than one third of the Senate, and that is enough to save him from conviction on an impeachment. I look, therefore, on the idea of an impeachment as entirely impracticable. I recur, then, to my first position, and I reaffirm it, that the President, for removing any officer, is substantially responsible only to God and his country. This country may refuse to reelect him to office, and there is no other human tribunal that can reach him.

Now, sir, I desire every Senator carefully to inquire, is it true, as you have heard here from day to day from the lips of most eloquent gentlemen, that, by the removal of these naval officers, the President has violated the principles of the Constitution, because they were not notified of the accusation against them, because they had not a trial, or because a record of the evidence and the finding against them was not kept? I put it to you, Senators, as men searching for truth upon a great occasion, when it is important, and vastly important, for your country that you should arrive at a correct result, do you in your consciences believe that, according to the custom and usage of this Government, according to its principles as understood from its origin by its leading statesmen, an officer, civil or military, but not judicial, is entitled to a hearing, is entitled to be notified of an accusation against him, is entitled to have a record of the evidence and finding kept? Sir, your President has not gone one inch beyond the action of any of his predecessors in this matter. I am not his partisan. You all know that I was not one of those who aided in electing him. I stand not here as his partisan, or as his advocate, for the sake of party politics to gain him votes: but as a man of truth, as a Senator of the United States, anxious that the Senate should reach a right result on this question, I say to you that there is nothing in his course in reference to this subject which is not justifiable and defensible according to the usage of his predecessors.

Unless you can establish some ground on which you can found a distinction between civil and military officers, all the fine-spun eloquence which we have heard about the principles of civil liberty in the cases of these naval officers is entirely misapplied. Will any man contend that the officers of the Navy are a privileged class—privileged to hold their offices on principles different from those which regulate the tenures of other officers of the Government? If you maintain that, will you show me the treatise on constitutional law on which you rely as an authority for that opinion? Point me to the passage in the Constitution which will sustain you in it. The moment you attempt to maintain before the people of this country, that the Navy presents a privileged class of office-holders, having virtually an estate for life, and a property in their offices, you will find that your Navy, instead of being as it always has been, an object of warm and affectionate regard among the people, will become the object of their scorn and abhorrence. Yet this is the very result to which doctrines on this subject, now daily advanced here, are tending. It has been assumed in this discussion, as a point not to be debated, that the great principles of civil liberty were trampled under foot by the removal of a naval

officer without notifying him of the cause of accusation against him; without summoning witnesses, when he desired them, in his defense; and without giving him a trial and keeping a record of the evidence against him. No such doctrine can be maintained; and if it could be, it would be fatal, as I have already said, to the very existence of the Navy. The people of the United States will sustain no such privileged class.

But let me not be misunderstood on this subject of removals. Were the question now one of the first impression, were it open to debate again, as we held it to be in 1830; were we now to settle as Congress did in 1789 the principles of this Government, in this regard, I should struggle again, as I did in the days of President Jackson, to restrict this tremendous power in the Executive, but not to abolish it. The question now is, not what construction of the Constitution ought to have been adopted by those who have gone before us, but what is the construction which, by perhaps a hundred thousand precedents, has been established and stamped forever on the form of our Government, and which now no man hopes to reverse in civil cases—which indeed could not be reversed, without a desperate struggle with the Executive, convulsing the country, and perhaps ending in a revolution.

Mr. President, I was one of those who voted for the law to promote the efficiency of the Navy. I acted, as I thought, understandingly, in voting for it, and I have never seen a day since I gave that vote when I regretted having given it. It was a vote given by me on high considerations of State policy. I had heard for twenty years complaints of incompetency or inefficiency among the officers of the Navy. Above all other things, the charge of intemperance, gross intemperance, was alleged against a portion of them. I heard these charges so often, that I supposed, at last, there did not exist a man in the Republic who would venture to deny them. I saw that each and every succeeding Secretary of the Navy proclaimed the necessity of reform, either directly or indirectly, during the last twenty years. Every head of the Navy Department, for many years past, told us it was indispensable that there should be a retired list. I adopted the opinion of other men. I was of this opinion when the Secretary of the Navy, during the administration of President Taylor, presented the question for decision before the members of his Cabinet, and that Cabinet agreed with other Cabinets, that such a retired list should be provided. I think I cannot be mistaken when I say that this opinion, which I now proclaim to have been the opinion of other Secretaries of the Navy, was that of my distinguished friend from North Carolina, (Mr. Badger,) when he presided over the Navy Department, and who I am glad to see this day in the Chamber among us. It was the opinion of every Secretary of the Navy for the last twenty years.

With these views, with these high authorities to sustain me, with this general testimony to support me, I thought I ought to vote for the bill to provide for a retired list. The bill was considered and reported by the Committee on Naval Affairs of this body, a committee in which I have great confidence. At the time of its passage, perhaps within an hour before the bill was passed, a debate sprung up on this floor between my hon-

orable colleague [Mr. BAYARD] and myself, he on the one side of the question and I on the other—he attacking the bill and I supporting it. He attacked the bill because the investigation of the board was to be secret. I defended it on the very ground that it ought to be secret. Yet I have been told lately by others that this is a new thing; that the board have abused their power because they did not make a public investigation. It was assumed by my colleague, as I thought at the time very properly, that the inquiry would be secret. I said, by analogy to other bodies of men existing in this Government, in relation to the subject of removals and exercising power over that subject, this board ought to decide in secret. I pointed out the secrecy of the executive sessions of the Senate. Removals from office are communicated to the Senate, and the names of those who are appointed to succeed officers removed are communicated for confirmation to the Senate. In this body we discuss every week, sometimes for days together, questions of this character. Do we keep records of those discussions, or of the evidence on which we decide? Do we give the parties a trial? Sir, I have known hundreds, perhaps I might say thousands, whose characters have been discussed or considered, without their having had the most remote idea that such a subject was before the body. Who ever heard that we were bound to keep a record of the accusations made against persons nominated to us for confirmation?

Take another case to illustrate what I said at the time of the passage of the law, and what I say now. The officers at the head of the executive Departments are constantly consulted by the President with regard to the appointment and removal of officers. Who ever pretends, now, that a Cabinet or President is bound to give notice to a party about to be removed of the causes of his removal? Who ever heard that they were bound to give him a trial, or keep a record of everything that was said for and against him?

It was eloquently urged, in the celebrated debate on Mr. Foot's resolution in 1830, that removals of civil officers without good cause, and without trial, was repugnant to the principles of civil liberty and to common justice. But I say the party then in power established the principle that no redress for the abuse existed; and, therefore, I am surprised that so many men, attached to the same party, now should seek to overturn their own party's decision, and establish, in the case of those naval officers who have been dropped or retired by the advice of their brother officers, a privileged class of office-holders, hereafter to be exempt from control by the removal by the President, while all other except judicial officers are subject to it.

I grant that to a man who has not been acquainted at all with the principles on which this Government has been actually administered since its origin, it may seem that there is something monstrous, something grossly tyrannical in removing a man from office without notifying him, without giving him an opportunity to summon witnesses in his defense, and without keeping any record whatever; but, strangely as it may sound in the ears of a novice who is not acquainted, practically—with the administration of our Government, I say it is not strange to any man who has had any considerable experience in public

life. That men who have had any such experience should proclaim on this floor the doctrine against which I am contending, is to me not less surprising.

Now, sir, let me go a little further to illustrate this matter by reference to history. I think it was about the year 1833, when the deposits were removed from the Bank of the United States, and William Duane, the Secretary of the Treasury, was turned out of his office by President Jackson without trial—without previous notice—without record—without summoning any witnesses. It has been universally understood that the reason for his removal was this: The President had commanded him to remove the public deposits from the Bank of the United States; he refused to do it. The President turned him out of office, and put another man in his place who would remove them. On that occasion the Senate of the United States adopted resolutions which will be remembered by all who have read the history of the country, denouncing the exercise of this power as in derogation of the law and of the Constitution. These resolutions were leveled, not merely at the removal of the deposits, but at all the proceedings connected with it, and particularly at the removal of Mr. Duane from office. The Legislature of Virginia responded in support of the President, fully sustaining him, and urging the expunging from the Journals of the Senate, and drawing black lines around, the resolutions of the Senate on this subject. I refer to this fact because the Legislature of Virginia seems now to have taken exactly the opposite ground. Now, when men are removed from the Navy, the Legislature of Virginia tell us that the principles of civil liberty are violated—that the guarantees of judicial fairness and impartiality are disregarded! *Tempora mutantur.*

Sir, in the estimation of gentlemen on the other side of the Chamber, and on this side also, the character of Thomas Jefferson, as an apostle of liberty, and as a sound expositor of constitutional law, stands high. Let us see how he understood this subject. In the report of the Committee on Naval Affairs I find a reference to a law passed on the 3d of March, 1801, having, like this, for its object the discharge of officers from the Navy. I will read what the committee say on the subject, because they have condensed what I wish to say in a very few words:

“Previous to 1801 no legislation limited the number of officers in the several grades of the Navy; but, by the act of March 3 of that year, the President was directed to ‘retain in the naval service nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen;’ and he was ‘authorized to discharge all the other officers in the Navy;’ and it provided for four months’ extra pay to all who might thus be ‘discharged.’”

“The grade of captain then consisted of twenty-eight, and the delicate duty of scrutinizing the corps, and discharging those least worthy of being retained, devolved upon Mr. Jefferson. Some discrepancy between the limit of the law and the action of the Executive seems to have existed, for we can learn of but sixteen who were thus discharged, instead of eighteen, as contemplated by the law. But these sixteen, embracing some most worthy and gallant men—Stephen Decatur the elder, and Silas Talbot, among them—were discharged without a ‘hearing,’ a ‘trial,’ or a ‘defense.’”

Here, then, was a case in which President Jefferson retired a large portion of the Navy at that day, and no man can point out a substantial distinction between that case and this, whatever

ingenuity he may possess. Here was a case in which this great expositor of the Constitution, so acceptable to gentlemen on both sides of the House—in many particulars certainly—decided that a trial, a defense, and a hearing, were not due to a naval officer before he was removed from the service. I hope the Legislature of Virginia will take this precedent into consideration, and explain to us how their modern principles accord with those of the author of the doctrines and resolutions of 1798.

Mr. President, I said that I voted for this law, that my judgment approved it at the time and does now. I intend to stand by it. If there were to be ten thousand times as much popular clamor as interested parties have endeavored to excite against it in this country, I would not move the thousandth part of an inch to satisfy or silence the authors of the clamor. I feel and know that the ground on which I stand in sustaining the law is a righteous one, and I will not be driven from it by excitement whether felt or feigned in any quarter. Convince my judgment and you shall get my vote, but not till then. There are honorable gentlemen here who voted for the law as I did, and who, since that vote was given, have denounced it in the most extraordinary language as a wicked, monstrous, and tyrannical act, which ought never to have been passed. Indeed, sir, the whole vocabulary of abuse appears to have been exhausted by them on this law. They tell us they voted for the law but did not understand it. Some of these gentlemen have assailed the members of the naval board with unexampled violence, attacking their private characters and assailing their motives as well as their decisions. They have also attacked the Secretary of the Navy for obeying their will. They have even attacked the President of the United States for carrying out the law enacted by themselves. Sir, whenever I vote for a law and afterwards find that it is wrong, and that I supported it without understanding it, I will acknowledge my own error, but I will never condemn those who have obeyed my order and the order of other men who have voted as I did, merely on the plea that I did not understand it. It is the duty of a Senator to understand his votes; and if he does not, he is the last man who has a right to stand up and abuse other men for obeying the law for which he voted.

I put it to the people of the country, who have heard such denunciations on this floor from many quarters of the Senate Chamber, will they sustain this outrage on all justice, that men elevated to the high position of Senators shall be privileged to assail the private characters of members of the naval board, and abuse the executive officers for obeying their own express will, contained in the law which they themselves have enacted? It seems that we have different sentiments of justice. Our political ethics vary very much. I have charity for other men, but I confess I would rather lose this good right arm than be found condemning and assailing the character of another man for obeying my decrees, or acting faithfully as the instrument of my own will.

Mr. President, two weeks ago I announced my determination to the Senate, to reply to the honorable Senator from Texas, [Mr. Houston.] He indulged himself in some three or four hours of

debate here against the naval board, against the Secretary of the Navy and the President. Many remarks which fell from the honorable Senator were replied to promptly, as soon as he concluded, by my honorable friend and colleague, [Mr. BAYARD,] by the honorable Senator from South Carolina, [Mr. BUTLER,] and by the chairman of the Committee on Naval Affairs, [Mr. MALLORY.] They sustained the board triumphantly. One officer, Captain Du Pont, who was attacked perhaps with more virulence than any other member of the naval board, was defended by my colleague so ably and fully, that he was lifted beyond the reach of any vindication to which my humble efforts could aspire. I have not risen to-day for the purpose of defending Captain Du Pont. On a former occasion, impelled by a sense of justice, I defended this officer in the presence of the Senate, and some of the positions which I assumed on that occasion have been assailed by the Senator from Texas. It is, therefore, due from me that I reply to what he has said. Further, it is due from me, as a just man, that I should not permit undue censure to be visited by him on other officers of the naval board who, although they are not citizens of Delaware, and I am not, therefore, under special obligations to vindicate them, are officers of the American Navy, and, in my judgment, every American officer is entitled to be defended by me against unjust attacks on his character.

I should have replied to the Senator from Texas at the time, but for the fact that the hour was late and the Senate was thin. On the next day I reconsidered my determination, and announced to him that I would reply to his speech whenever it should appear in print. It has appeared to-day; but as I did not see it until after the Senate was in session, it has been impossible for me to read a line of it. I will, therefore, in conformity with the suggestion of friends around me, as the hour is late, give way to a motion for adjournment, and then we can resume the subject to-morrow.

Mr. CRITTENDEN then spoke in opposition to the law enacting the naval board, and Mr. CLAYTON commenced a reply defending the law and the action of the board under the law. On the next day, April 1, the same subject being under consideration—

Mr. CLAYTON said: Mr. President, at the time of the adjournment of the Senate yesterday I was engaged in the discussion of a question of constitutional law. It had been contended by my friend, the Senator from Kentucky, [Mr. CRITTENDEN,] that the power of the President to remove naval officers, and to retire and put upon furlough other such officers, was derived entirely from the statute, and not from the Constitution. He was understood to contend that, as the power of the President was derived from the law, the law would admit of a construction that would entitle these officers to the hearing and notice, so often spoken of, and to a record of the proceedings of the board—in fact, to a judicial investigation, although the Constitution did not admit of such a construction. It was admitted, as I understand, in his argument, that, if the power to remove these officers was derived entirely from the Constitution, then, according to the established construction put upon the Constitution from the foundation of the Republic,

the Senate and the Congress of the United States have no control over that power of removal, and cannot even inquire into the causes of the removal.

Mr. CRITTENDEN. My friend will allow me to explain. I did maintain that the power exercised by the President under this act was a statutory power. I did so, not for the purpose of inferring an absolute right on the part of those officers to have anything like a judicial investigation, or notice, or trial, but for the purpose of showing that, if it was a mere statutory proceeding, we were competent to annul that statute and to annul the proceedings under it. That was the consequence which I deduced from it.

Mr. CLAYTON. Then the object of the argument of the honorable Senator was to show the Senate, that by repealing the statute we could restore the officers who had been removed (as the Senator contends) under the operation of the statute. With all respect for my honorable friend from Kentucky, I deny that position *to toto calo*. I say that the repeal of this act can have no effect to restore the officers who have been dropped from the service, and that the only effect of the repeal would be to take away the pay of all the officers who are on the reserved list, whether they be on the leave-of-absence list, or on the furlough list. Repeal that statute, and the only act giving pay to these retired officers is blotted from the statute-book. No man can point to any act of Congress or any authority whatever to pay them one cent when that statute is repealed.

But, sir, if I am right in my position, that the power of the President is derived from the Constitution, and not from the statute,—a position which I expect to maintain fully,—it will follow as an irresistible consequence that those officers who have been dropped from the service cannot be restored by any power which Congress possesses.

Let us look again at the point which is contended for by my honorable friend from Kentucky. It must be admitted that the whole power of removal before this statute existed was under the Constitution. No man doubts that before this statute was enacted the President had the power to remove every one of these naval officers from the service. Then, if the whole power of removal existed under the Constitution, how did the statute confer any more power?

Again, if it be true that the power of removal can be derived from the statute, as a matter of course it must follow, as a fair corollary, that the Congress of the United States has the right to take away the removing power of the President. If Congress can confer the power, they, of course, can abolish it—they can abridge or restrict it, and control it.

The result, then, of this argument is, that the President of the United States ceases to be an independent Executive, and that the checks and balances which we have heretofore supposed to exist between the three coordinate branches of the Government, the Legislature, the Judiciary, and the Executive, are gone, so far as relates to the Executive.

Sir, to illustrate more fully what I mean, let me put a case which may happen during the administration of some weak President—I mean a man weak in power, or having few political friends in Congress. By way of illustration, and

without intending any disrespect to President Tyler, who was really an excellent gentleman, I will refer to his Administration, in whose time, you may remember, sir, a bill for building revenue cutters was vetoed by him, when his veto was overruled by a large majority, greatly exceeding two thirds, of each branch of Congress; and thus the bill became a law in defiance of the veto power of the President. Suppose such a case as that overruling a veto should occur again. Suppose a bill should be passed by the requisite two thirds over a President's veto, to take away from the President the removing power, or to abridge it by confining it to a small class of officers, or to control its exercise by denying it any operation, except when authorized by the previous fiat of a board of inquiry—will it be contended that such a statute would be constitutional? If such a statute as that, taking away or affecting the removing power of the President, could be constitutional, it would follow as an irresistible consequence, that the Executive of this country is not independent of the Congress of the United States, and that Congress can take away the great prerogative, or more properly the great executive duty of the President to remove officers who are unfaithful. Sir, I forbear to go further with the discussion on this point. To my own mind it is perfectly clear—I say it with great respect to my friend from Kentucky—that no power of removal can be derived by the President of the United States from any act that Congress can pass. Congress may indeed pass a law necessary and proper to enable the President to carry any executive power into execution, such as this was. But the moment it attempts to control or abolish that power, its act becomes a dead letter. A law to control or abolish, is not a law to carry into execution a power.

If, therefore, this act of Congress providing for a naval board had attempted, as it is supposed by others here to have done, to restrict the removals of naval officers to cases where there was a trial or a notice or a record, it would not in the slightest degree have impaired the President's power to remove without any such prerequisites. But no such trial, no such notice is required or contemplated by the law. We know from the debate at the very moment of its passage, as well as from its own details, that none of these were contemplated by those who passed it. We know in fact that it passed with a full premonition by those who debated it, that its examinations, though intended to be careful and impartial, like similar investigations in the Cabinet and the secret sessions of the Senate, were to be *secret* also.

It has been said, and it has been stoutly maintained by gentlemen here, from week to week, that those officers who were retired on the absence-leave list, were dishonored—disgraced by the operation of the law. We have heard this almost daily whenever the question has been under discussion. I deny it. I say that it was intended, and it is so declared by the Secretary of the Navy himself, that retirement on that list is a post of honor. It was intended by Congress to be a high honor to any officer to be placed on the absence-pay list. I referred yesterday to the fact that in Great Britain hundreds of admirals, vice admirals, rear admirals, captains, lieutenants, and masters were retired on what they call half

pay, which is considered there to be a post of honor, and never has been regarded in the history of England as a post in which a dishonored man could be placed. There you find the names of the heroes of the Nile and of Trafalgar. You will find, if you will look into the book which I presented here yesterday, a short biographical sketch of the services of every man retired on that list, and will see the names of some of the most brilliant officers that Great Britain ever produced are still to be found on that list, which corresponds with our absence-pay list. I was proceeding to show, after having demonstrated that fact, that our officers on the absence-pay list were far better paid than the British officers, and that ours could not possibly have any reason to complain. In order to demonstrate this, I have extracted from the "New Navy List" of Great Britain, some facts which I beg leave to submit to the Senate.

You will find on the British retired list, one hundred captains with a pay of £191 sterling, equal to about \$848, or \$15 74 less than the pay of a reserved captain in the United States Navy on the leave-of-absence list. You find, on the British reserved list, six admirals, fifteen vice admirals, and forty rear admirals, retired on a pay far less than our retired captains in the Navy receive on our absence-leave list. A retired captain in the United States Navy, with leave-of-absence pay, receives \$2,500; while admirals, vice admirals, and rear admirals in the British Navy, to the extent which I have stated, receive a pay of £456 per annum, equal to about \$2,211. Our retired captains get nearly \$300 more than a British retired high admiral.

Again: reserved captains and a certain number of rear admirals, one hundred and ninety-seven in number, on the British reserved list, receive £365 sterling per annum—about equal to \$1,770. Captains in our Navy on the retired list, as I have already stated, receive \$2,500, or \$730 a year more than a captain, or even one of the rear admirals on the reserved list in the British Navy. In Great Britain the commanders on the reserved list receive £182 sterling; equal to \$882, or \$918 less than the reserved commanders in the United States Navy on the leave list, who receive \$1,800 a year.

A small number of lieutenants on the British reserved list receive seven shillings a day, or \$562 per annum. Six hundred and fifty-eight lieutenants on the British list receive only six shillings per day—equal to \$480 per annum, being \$720 less than the reserved lieutenant in the Navy of the United States receives. Our lieutenants on the reserved list, with leave pay, receive \$1,200 a year.

From these facts, I deduce the conclusion that the complaints which have been made against this law and its operation are destitute of foundation; that the officers who have been retired in our service have been better treated and better paid than men of the same grade in England; and if they have not equal honor with officers of the same rank in Great Britain, it is not the fault of their Government, which has expressly set apart this list for the purpose of honoring them and rewarding them for their services. It is not only so declared by the Secretary of the Navy, but also by the officers of the naval board, as you

will find by referring to the correspondence between Lieutenant Maury and the officers of that board.

There is no retired-pay list for the benefit of any civil officer. Jefferson and Monroe retired poor after all their services; and so did many other civilians who were reduced to poverty in the public service; but there was no such honor or reward secured for them.

Then, sir, why is it that we hear, day after day, such a constant clamor that the naval veterans who have been retired from our service have been disgraced? I have before me the memorial of Lieutenant Maury, who cries out that he has been officially disgraced. How disgraced? By being put on the highest grade of the reserved list on leave pay, receiving the highest compensation of any one on that list. What does he actually receive? I have heard honorable Senators debating this question, constantly referring to that distinguished man as an example of the injustice of the Government, and particularly of the President, the Secretary of the Navy, and the naval board, in retiring naval officers. Whenever a discussion of this subject arises, the name of Lieutenant Maury is prominently presented to us. This is always deemed the strongest case which can be submitted. I have never said, or undertaken to affirm, that no injustice may not have been committed by this board. I have said, however, that it was unintentionally done, if done at all. I never alleged that no mistake had been made, because I do not know whether it be so or not; but I never have admitted that injustice has been committed by them, because I have seen no instance in which that injustice was proved; and I call on all men here now to point out, if they can, a single case where the charge of injustice against the board, the President, or the Secretary of the Navy, has been by proof maintained. So far as the investigations have proceeded, there has not been a single instance of injustice proved; but the conjecture that injustice has been committed still remains a matter of mere supposition, though it is repeated from one end of the Senate Chamber to the other *de die in diem*, until at last the people of the country are induced to imagine that here is a mass of the greatest injustice that ever was committed among men. When we come down to specific cases, Lieutenant Maury's is constantly presented, and I will take his case as the strongest one, and examine the proofs before the Senate, and see whether he has been dishonored, whether he has been badly treated, and whether he ought not to have been placed on the absence-leave list instead of being retained on the active list of the Navy. I undertake to maintain that he should have been retired on the honorable leave list. I proceed to do so, not because I desire to make an attack on that gentleman, or on any one else, but in defense of officers of the Government who have faithfully performed their duties. I will present the facts of that case as I understand them.

It will be recollected, Mr. President, that I warned the Senate, on an early day during this session, that it was indiscreet and improper to discuss these questions in open session. I asked the Senate to take up these cases and discuss them in executive session, where I thought they properly belonged. But the officers who have been

retired through their friends here demanded a public investigation in every case. "We are ready to stand the test," said they. What has been the result? An attack has been made, day after day, on all the officers of the Government who have been concerned in carrying out the law, while gentlemen who are endeavoring to defend what they deem to be right, have delicately, scrupulously abstained from making any attack in return on a single officer on either of the retired lists, or the dropped list.

The Senator from Texas, [Mr. Houston,] in his speech delivered here, referred at length to Lieutenant Maury, and disclosed in his remarks, as I think, the great reason which makes him so exceedingly anxious, on all occasions, to attack the members of the naval board. I shall be permitted by the Senate to read a few sentences from his published speech. He says:

"It will not be considered egotistical when I refer to days past, as they form a portion of the history of the country, and when the reference is not made for the purpose of complimenting myself; but it is to me a subject of gratulation and delight, that I had an instrumentality in placing in his proud position in the service one of the distinguished officers of the Navy. In 1835, when a Representative from the State of Tennessee, I obtained a midshipman's warrant for Matthew F. Maury, who then entered the Navy. I have watched his career since with paternal solicitude. I have gloried in his prosperity; and his distinctions I have always considered as reflecting honor upon myself, while the nation was honored by his achievements."

Again, he says:

"They may strike him off, and embarrass his prospects as an officer of the Navy, if they please, should their action be indorsed; but they cannot limit the world-wide fame which he has acquired, nor can they snatch from him that wreath of civic glory that his own exertions have won."

Further, referring to something which had been stated by the honorable chairman of the Committee on Naval Affairs, the Senator remarks:

"He says that Maury has often been withdrawn at his own instance from sea service; and that he had asked for his present position at the Observatory; but the latter statement was afterwards corrected by the honorable chairman, and very justly. He did not petition for a situation at the Observatory."

"But, sir, Maury has been taunted by a lieutenant on the board with his civic distinction, his ease, and quiet; while the same lieutenant thinks that it is hazardous, and troublesome, and disagreeable to perform the scuffling part of an officer's duty. I have noticed these taunts. I do not know the individuals from whom they emanate, but they excite in me no indignation. I considered them beneath the contempt of a statesman."

Now, sir, I make the issue distinctly. The question is, ought Lieutenant Maury to have remained on the active list of the Navy, or ought he to have been retired?

We know, from the allegations contained in his own memorial, that in the year 1839 he received a severe and much-to-be-deplored injury by the upsetting of a stage coach in the town of Somerset, in the county of Perry, nearly in the middle of the State of Ohio. He refers us to the report of the trial which took place between himself and Talmadge, the owner of the stage, at the time, from whom he recovered damages. I hold in my hand the book which contains the report of that trial, (2 McLean's Reports,) and I ask the attention of the Senate to a few passages in it.

The judge, (Leavitt,) in summing up the case and charging the jury, which he did with great care and much ability, said, repeating the evidence:

"At the time of the upset, the plaintiff was sitting with

the driver, and at his right hand side. The plaintiff was thrown several feet from the stage. The physicians who saw and attended him at Somerset, testified that one of his knees was dislocated, upward and downward; the ligaments of the knee pan torn asunder, leaving the knee pan an inch out of its natural position; and, also, that there was a longitudinal fracture of the thigh bone. Two eminent surgeons of Philadelphia, who examined the plaintiff's knee some months after the accident, testified that, in addition to the injuries above stated, there was a vertical fracture of the patella, or knee pan. They also state that the joint is greatly deformed, and the injury so great and permanent in its character, as to disable the plaintiff, for life, from the performance of his duties as a lieutenant in the Navy."

These were the facts proved on the trial by two of the most eminent surgeons from Philadelphia, brought to Ohio by Lieutenant Maury to obtain damages from the defendant correspondent to the injury which he had sustained. Let us see how he obtained those damages. The judge proceeds to say:

"He was detained at Somerset seventy days in the hands of surgeons, confined generally to his room, and suffering a good deal of pain. At the expiration of that period, he was able to move about with the aid of crutches, and set off by private conveyance for his residence in eastern Virginia. The expenses of plaintiff, during his detention at Somerset, for medical attendance, boarding, nursing, &c., amounted to about two hundred and fifty dollars."

Then, in the concluding part of his charge to the jury, the judge says:

"In the assessment of damages, the jury is not restricted to the actual expenditures of the plaintiff, in consequence of the injury received, and compensation for the loss of time; but it may properly take into consideration the nature and extent of the injury, and its probable bearing and effect upon his prospects in life, in reference to the profession which he has adopted."

The jury were thus charged that they could give damages not merely correspondent with the actual expenses incurred, but such damages as they might think fairly resulted from the facts proved, which facts established a disability for life.

What verdict did they give? Two hundred and fifty dollars only—the amount of his expenses? No, sir, they gave a verdict for \$2,325, of which it is palpable more than \$2,000 must have been for damages in consequence of the proof before the jury that he was disabled permanently.

How does Lieutenant Maury treat that matter in his memorial to the Senate? You will find, by recurring to it, that he says that although he was disabled then, he is not disabled now. Well, sir, but he was disabled for life then, according to his own allegation, supported by the highest testimony; and it will not do to say that he is not at all disabled now. Is it competent for him, after having caused these facts to be established completely to the satisfaction of a court and jury, now to say that it is not true that the damage for which he recovered was a disability for life? He proved then that he was disabled for life, but he is now able, as he says, to perform all the duties of a lieutenant in the Navy, or, to use the words of his own memorial, "equal to the prompt and efficient performance of any professional duty whatever, upon which the Government may be pleased to order him." He says he has recovered from the "temporary disability incurred by the Ohio accident."

But, sir, this is not all the testimony which exists in the case, on which the Senate is invoked to form a judgment, in reference to this gentleman. I ask attention for a moment to another

fact. He applied for a pension on the ground of disability for life. On the 19th of December, 1839, he presented to the Pension Office the certificate of Drs. Stone and Borstter, of Ohio, that "it is our decided opinion that his (Maury's) disability will continue for life." Again, on the 3d of February, 1840, James C. Mercer, a surgeon in the United States Navy, certified that Maury "is now suffering under total disability." On the 24th of February, 1840, Lieutenant Maury wrote a letter to Mr. Paulding, the Secretary of the Navy, inclosing a certificate of disability from surgeons, and asking to be put on the Navy pension list. On the 31st of July, 1840, Lieutenant Maury wrote a letter to the Commissioner of Pensions, wishing to know if records of courts in Ohio would not be sufficient evidence of his disability to entitle him to be placed on the pension roll. On the 5th of September, 1840, he transmitted a certificate of Surgeons Kearney and Washington, of the United States Navy, as to his "permanent three fourths disability." The 4th of September, 1840, is the date of the certificates of Surgeons Kearney and Washington, inclosed in the letter to which I have just alluded, affirming his permanent three fourths disability. On the 28th of June, 1841, Lieutenant Maury wrote a letter to Mr. Badger, Secretary of the Navy, asking that his pension, which had been granted for half disability, might be increased to a pension for three fourths disability, showing that in his own opinion, as well as that of the surgeons, the disability did not diminish by time. According to all human reasoning we must suppose that his disability increased with the lapse of time, unless his physical organization is different from that of the rest of mankind. We know that a terrible wound like that, received in the bloom of youth or the vigor of manhood, is felt much less then than afterwards in declining age. I do not know his exact age, but I suppose it is in the neighborhood of fifty years. About sixteen years ago he received this injury, and it is natural to suppose that it still affects him seriously, though such is not his own opinion, judging from his memorial. The acts of Congress of 1841 and 1844 put an end to pensions while an officer is on duty, and so his pension was discontinued.

I have been furnished by the chairman of the Committee on Naval Affairs [Mr. MALLORY] with a paper, sent to him on his demand from the Navy Department, which I will read to the Senate, because a part of it relates directly to this subject:

"NAVY DEPARTMENT, January 8, 1855.

"Lieutenant Maury receives, under the act of March 3, 1847, a salary per annum..... \$3,000

"Besides house rent free, say..... 800

"Furniture for ditto.....

"A horse and carry-all, which is used by Observatory, and also by Mr. Maury and his family.

"He has a vegetable garden attached to the house, and a laborer, paid out of the public money, cultivates it.

"I find that Lieutenant Maury received his injury sometime late in 1839, near Somerset, Ohio, whilst traveling, as he states, in obedience to orders from the Department, of date 10th September, 1839, directed to him at Fredericksburg, Virginia, and ordering him to proceed to New York, for duty on board the Consort.

"The proper duty pay of Maury is \$1,500 per annum. "I find that \$297.50 was allowed Maury for doctors' bills and other expenses connected with mending leg. He also drew for sometime afterwards a pension of \$150 per annum."

Sir, I think it is pretty clearly established that

unless this gentleman is differently constituted from the rest of his fellow-creatures, he was under a disability for life some years ago, which could not have diminished with increasing age and the confinement resulting from his scientific studies, in a manner so extraordinary as to enable him now to perform all the duties of a lieutenant in the Navy of the United States, both ashore and afloat, as the law requires.

There is another fact corroborating all this testimony which stands out so clearly that if there be any doubt in the mind of any impartial man it must effectually remove it. I allude to the fact that this gentleman has not been in service on board a man of war of the United States for more than twenty-one years. It is true he has performed some service on board surveying schooners in the revenue (not the naval) service for a short time; but on board a man of war he has not set his foot in the service or wet his jacket for more than twenty-one years. After so long an absence from the duties of his profession, can he be so well acquainted with it as those who have been constantly engaged in performing their duty on board ship? A lieutenant is constantly liable to be called to the executive command of the deck. Is he the man to manage a ship in a gale of wind, when there may be five hundred or one thousand men on board? He no doubt thinks he is competent to perform all the duties of a lieutenant in the Navy, both afloat and ashore. But, crippled as he was and infirm as we must believe that he still is and must remain, would he be a proper man to trust in a storm with the safety of a ship, or the lives of five hundred seamen, or in action to lead the boarders against the enemy? How would he climb up the side of a ship and perform those daring and desperate acts which are so often required of a lieutenant of a ship engaged with an enemy? In a gale of wind, or when the ship is on the lee or near the land in a fog, the duty of the lieutenant is often to go aloft, look out from the top-sail-yard, see which way the ship heads, and keep a strict watch. Is he capable of performing service like that? Who will pretend it? Yet, I repeat, he thinks, for he so says, that he is still competent to perform all the duties of a lieutenant ashore and afloat. I submit that the testimony is conclusive of the fact that the naval board did him no injustice, but as his brother officers must have been acquainted with these facts, and therefore acted with the clearest light and the most incontrovertible evidence. To me it is strange he should complain that, by being placed on this leave list, with many other men whose names, like that of Commodore Stewart, will be honored forever in our naval annals, he has been disgraced. Such is his language: "Officially disgraced," he and his friends constantly cry out here, and that, too, although he has the letter which the Secretary of the Navy addressed to him personally, saying that the position to which he has been assigned is one of high honor, and although he has also the letters of the individual members of the naval board declaring to him the same thing, and some of them asserting that the idea of disgracing him never entered into their imaginations, but that they intended to place him in a highly honorable position.

In connection with the facts which I have just

laid before the Senate, I beg leave to dwell for a moment on the pay allowed to this gentleman. It is computed by those who understand the subject better than I do, that his salary, with all the appendages annexed, to which allusion has been made, amounts to something like \$5,000 a year. Compare that with the salary of a British admiral, and how many times more than the pay of a retired high admiral of England does this gentleman receive, who complains that he is so much injured by being put on the absence-leave-pay list of our Navy? You can soon figure that out. I do not know a man in office within the limits of the United States who is better paid for his official services than Lieutenant Maury; and, therefore, I indorse what was said by the honorable chairman of the Committee on Naval Affairs, when he remarked, that of all other men this gentleman had the least cause to complain; yet there has been more complaint about him than nearly all the rest of the officers, either dropped or retired, taken together.

My attention was directed, some time during the fall of the year 1854, to some letters addressed by Lieutenant Maury to the people of the United States, under the name of letters to his son. They were, I suppose, after the character of Sir Walter Scott's letters to his grandson. I presume the object was to give instruction to the youth of the country, to teach them how to live, and what to prize as objects of honorable ambition. There is a passage in one of these letters published by him in the National Intelligencer on the 10th of November, 1854, so remarkable in this connection, that I desire to read an extract from it. I will do him full, exact, and ample justice in the extract which I shall read. He says, in this letter to his son:

"You see, now, what a monument De Witt Clinton has left behind him; and how, with the pick and the spade, he has shaped the destinies of the State. I do not mean to institute a comparison between him, with these implements, and Jefferson, with his pen and ink, over the Declaration of Independence; but I wish you to take Mr. Jefferson's career after his election to the Presidency, and De Witt Clinton's from the time he became identified with the Erie canal, and tell me which you would rather have—the fame due Thomas Jefferson for works after his election to the Presidency, or the fame due De Witt Clinton for seeking to develop the resources of his State, and making her welfare the goal of his ambition?

"Thus you see, my son, that one can become a great man—can win the blessings of posterity, receive the praises of the good, and be crowned with honors—without being a great general, or sea-captain, or anything else in the gift of 'Uncle Sam.' I hope you will never seek his service. I consider that I committed the great mistake of my life when I accepted a midshipman's warrant in the Navy."

This passage has dwelt in my memory, because I recollect well that, when I read it, I felt somewhat surprised that a gentleman standing high in the Navy of the United States, as I had before that always supposed he did, should so far seek to disparage the American service in that branch of our defense which has gained the name of our country's right arm, as to say that the great mistake of his life was in receiving a midshipman's warrant, and entering the Navy. If that was the great mistake of his life—if he would have been a much greater or more successful man in case he had never entered the service of his country, why is it that he is now so determined and fixed in his purpose to remain in that service? Why should he care so much about remaining in

the service if he can advise all the youth of his country never to enter service? This sentiment struck me—I submit to the Senate whether I was right in my apprehension or not—as unpatriotic. I trust this is not the lesson which an American father is to teach his son. Devotion to his country; readiness to enter its service at all times when required for its honor or its welfare; readiness to sacrifice himself in its defense, if necessary—these are the precepts which I think it becomes an American father to teach his child. But, so far as this distinguished gentleman has influence over them, the American youth are cautioned never to enter the service of Uncle Sam; and he says the great error of his own life was in accepting a midshipman's warrant in the American Navy. Had he confined himself to an admonition against office hunting, I should have applauded the sentiment. That he, in his high and honored position, should have thus warned the young men of the country against seeking her service, under all circumstances, or without any limitation, is, I think, to be regretted.

I ask the attention of the Senate in this connection to some observations contained in the memorial of this gentleman. It is a very remarkable document, and it is pregnant with attacks upon all concerned in his retirement. I have shown you that he has lost nothing by being retired, that he stands at the head of the Observatory with the large salary to which I have alluded; but, though he has been treated thus kindly by his country, he has, because of the fact of his being retired, assailed the Secretary of the Navy and the naval board. He has charged the Secretary of the Navy with ignorance of the law, and has charged the naval board with tyranny, malice, and envy; for the deductions of envy and malice are irresistible from his statements. Let me read from his memorial:

"Wherefore, your petitioner charges the board, or a majority thereof, composed of individuals to him unknown, with having done injury to the naval service, and the fair fame of your petitioner. He accuses them of having passed arbitrary judgment, which is tyranny. He charges them with having wantonly offended the majesty of the law, and with having acted contrary to the true meaning and intent thereof. He charges them with having abused the power intrusted to their hands—with having, by their mode of procedure, ignored the usages of the law, and spurned its most cherished maxims. Finally, he charges them with having violated the principles of natural justice, and with having done outrage to sentiments that are very dear to the hearts of all good citizens."

This passage is in keeping with others not less violent, interspersed throughout his memorial.

So, too, in another place, speaking of the regulations drawn up by the Secretary of the Navy, he says:

"There is reason to believe that some members of the board misconceived their duty, and took the Secretary of the Navy's regulations for instructions. If so, their findings under them were illegal."

Is not this saying that the Secretary of the Navy did not do his duty, and did not know the law? In another passage he states what I said of his memorial before, that "he holds himself now, as he has ever aimed to do, equal to the prompt and efficient performance of any professional duty whatever, on which the Government may be pleased to order him." He says he has been "disfranchised" as well as "degraded;" and that this board "without cause cast a stigma upon his professional reputation;" and that "all the

precautions and checks tending to restrain prejudice, *bridle envy*, or *curb malice*, and to protect those who were submitted to this cruel ordeal from injustice, were totally neglected. Thus the door was left invitingly open to *arbitrary*, and, therefore, *TYRANNICAL* findings."

Lieutenant Maury plainly leaves us to infer that those naval officers who caused him to be retired were interested in condemning him. It becomes then my duty, as an act of justice, to state that the decision in the case of this gentleman was made by twelve officers who were his superiors in rank or grade, and could not, therefore, possibly gain by the decision, and that one of the three juniors was his own cousin. Then how is it that he can, with any degree of propriety, charge on these officers that they had an interest in retiring him? The law itself required "that no officers upon said board should examine into or report upon the efficiency of officers of a grade above them."

Again, he says in one part of his memorial that a young lieutenant, Biddle, one of the three juniors of his own grade, in a letter which he addressed to him, and which evidently was intended in kindness, had admitted that the board "would have been bound to have a fling at science in the Navy, and remove your petitioner (Lieutenant Maury) from the active list." Is it unjust to say that he here considers himself the impersonation of science? Sir, I do not stand here to detract from his character for science. I have nothing to do with that. Scientific men will judge of that. They are better able to form an opinion on such a point than I am, or than probably most of us here are. I have nothing to do with it; but I have something to do with that part of his memorial which seems to treat service on shore, in the pursuit of science, as being of equal merit in the naval profession, with active service on board a man of war afloat. I deny that. I say that the naval officer who serves his country well on the ocean is entitled to be ranked in the highest order of merit; that, while he who is on shore is not to be undervalued for his services there, you cannot, with any degree of propriety, lay it down as a rule, that a man who is all the time on shore, exempt from the dangers of the ocean, is as much entitled to credit for services as one who is constantly exposed to the perils of storm or battle on the ocean. The contrary assumption would place Nelson and Blake, Stewart and Jones, McDonough and Perry, and Decatur and Shubrick, only on the same footing with professors in colleges, and those *savans* who in all countries are appendages of navies and armies. We have science of the highest grade in our country outside of the Navy. We do not expect that gentlemen in the Navy will reach to as high a degree of perfection in science as men who are trained to it from their boyhood and kept employed in it steadily for their whole lives. We have such men as Pierce at Cambridge, and Silliman and Olmstead at New Haven, and many more whom I could name. We cannot expect that gentlemen in the naval profession will rival the honor which these men have attained in the ranks of science, nor do I desire it. While, I trust, I appreciate the highest pursuits of science in its proper place, I prefer in the naval officer just that kind of character which belonged to Nelson, and

Blake, and De Ruyter, and Van Tromp, and to the American heroes whose names I have mentioned.

But, sir, the Navy of the United States is far from being destitute of science. We have still on the active list some very able scientific men. We have now in our Navy—I name them with pride and pleasure—such men as Goldsborough, Wilkes, Blake, Harwood, Davis, Dahlgren, Page, Jenkins, Rodgers, Herndon, and many others whom I need not name, but who are well known to their country: all the science of the Navy is not in the possession of any one man. Some of the men whom I have named are by their fellows esteemed to be even Lieutenant Maury's superiors in science. With what propriety can it be charged that the naval board made a fling at science when the very men whose names I have mentioned are retained on the active list of the Navy, and he, though a gentleman whose claims to science ought to be honored in the same connection, is retired? I cannot see that Lieutenant Biddle, the junior officer he alludes to, is censurable for the opinion he expressed; and I believe he stands above the reach of any imputation upon his integrity or impartiality.

Now, Mr. President, I respectfully submit to the Senate that I have established the positions which I desired to maintain in regard to this gentleman—that no wrong has been done to him by the naval board; that it is not true that he has been officially disgraced; but, that it is true that he has been properly assigned to a most honorable position; that it is also true, that he has been, and still continues to be, amply and generously rewarded by the country for his services. Then, I dismiss him from my thoughts, and come to the consideration of other cases in which it is often said injustice has been done.

The honorable Senator from Texas presents, in the foreground of his long string of accusations against the board, the cases of Lieutenants Bartlett and Rolando, and Commander Ringgold. These, I believe, are the gentlemen whom the Senator from Texas and others have presented prominently as having suffered from the action of the naval board. I think I might leave Lieutenant Bartlett in the hands of the honorable Senator from Louisiana, [Mr. SLIDELL,] who yesterday addressed the Senate in reference to him. I think I need go no further. Sir, it is a painful thing to me to investigate private character on this floor—Senators will bear me witness that it has been forced upon me—but, having been forced upon me in the just defense of the officers of the naval board, it is my duty to meet it. I approach it with extreme reluctance. I think, however, the gentlemen of the Committee on Naval Affairs will be able to make the most satisfactory explanation in regard to the conduct of Lieutenant Bartlett. I know well enough what the proof before the committee is, but I will not now state it unless his friends desire it.

Now, I come to the case of Lieutenant Rolando, who has just returned from sea in the Powhatan. He was engaged in a gallant battle against the Chinese pirates. I do not believe there is any charge against his character for integrity or gallantry. The officers of the ship, who came home with him, and his brother officers generally, are the proper persons to consult. I will venture to

say they will not condemn the action of the board in his case. What will the captain of the Powhatan say in regard to the decision in his case? I do not state anything—for of my own knowledge I know nothing. The lieutenant's shipmates undoubtedly have a reliable opinion, and can state the grounds on which a decision should have been made against him.

Mr. HOUSTON. State it.

Mr. CLAYTON. No, sir, I will not state it. I take no pleasure in stating anything which can hurt the feelings of any man in the Navy, or out of it. I desire only to stand on the defensive; but I do say, that the testimony of the officers of that ship, and the testimony which the members of the Committee on Naval Affairs can give, or ought to have, will sustain the members of the naval board, and that is enough for my purpose, which is to injure no man, but to defend all I can rightfully vindicate.

Mr. HOUSTON. I would rather have the open statement than innuendoes calculated to blast the reputation of a gallant man.

Mr. CLAYTON. Sir, you have got, and will get, no such innuendoes from me. Go to the officers of the ship; I delight not in the utterance even of unpalatable truths. I repeat, that I am assured the testimony of those officers to whom I refer will confirm the judgment of the naval board; and there I choose to stop.

Mr. HOUSTON. I ask the Senator for the statement, so that if it is necessary I may repel his charge when I come to reply to him. I wish that the statement may be made now, so that I may know what it is. I wish to have no after-claps.

Mr. CLAYTON. Again and again I repeat, the gentleman will find my charge to be this: That, by the judgment of his own fellow-officers in the Navy, he ought to have been placed precisely where he is; and that is sufficient.

Mr. HOUSTON. I ask for the facts.

Mr. CLAYTON. The Senator must go to the authority I have given him; and if that will not satisfy him he must be hard to please.

Mr. HOUSTON. I would rather have the statement now. I do not wish to go to officers who may have skulked from the discharge of their duty when Rolando performed feats of gallantry beyond their emulation.

Mr. CLAYTON. I believe I have the floor. The Senator is out of order.

The PRESIDENT. The Senator from Delaware is entitled to the floor.

Mr. CLAYTON. The gentleman from Texas must, like the rest of us, bide his time.

Mr. BUTLER. I hope the honorable Senator from Delaware will allow me to interpose. I do not wish my friend Rolando to be taken entirely out of my keeping, though I know he is in the hands of a very gallant man, who has defended him better than I could. I desire to ask the Senator from Delaware one question. He says that the board made a right decision in the case of Rolando. I wish to ask him, after the development of the tributes that have been paid to that man, he would not, if left to himself, reverse their decision?

Mr. CLAYTON. I certainly would not reverse that decision; but, according to what I understand is the testimony in the case, I would

confirm it without any hesitation whatever. I think my honorable friend from South Carolina, when he comes to understand all the facts, will confirm that decision also. Let him inquire and be satisfied.

Mr. BUTLER. All I have to say is, that the British admiral who watched his conduct states that Rolando is an officer of uncommon merit; and he has paid him the highest compliments. I leave him with the tributes which the British admiral has paid to him.

Mr. CLAYTON. And I leave him with the American captains and other American officers who have been with him daily and weekly, in battle and out of battle. These are witnesses whom I prefer to any British admiral; and on their statements I am satisfied to rest this case. If they will acquit him, so will I.

The Senator from Texas alluded to the circumstances connected with another distinguished man—Commander Ringgold. He came home as is charged—and it can inflict no disgrace on him—under a visitation of Providence rendering him unfit to command an American ship. I know nothing against the character of this gentleman, and if I did I would not state it. I do think, however, that a man who is afflicted with temporary insanity is not qualified to command an American man of war; and, although it is certainly to be regarded as a misfortune, and not a crime, such a man, if subject to such insanity, ought not to command any ship containing hundreds of American sailors.

Mr. HOUSTON. Was the mind of Commander Ringgold ever affected except on one occasion, at Port Mahon, owing to an undue quantity of quinine that had been administered to him?

Mr. CLAYTON. I am very sorry to say to the gentleman that I understand he exhibited, while in command of his ship, decided evidences of temporary insanity.

Now, sir, I have gone in a very imperfect way through a part of my task, which I should gladly have avoided; and I come to the discussion of another part which I should be equally glad to avoid, if I could. The Senator from Texas, as was well said by the chairman of the Committee on Naval Affairs, has thrown a drag-net over the whole lives of all the gentlemen sitting on this naval board. Captain Pendergrast was one of them—a true gentleman, and a most admirable officer in the American Navy, now commanding, by the assignment of his Government, the finest ship that floats on the ocean. There is probably no vessel in commission in any Navy superior to the Merrimac, and he is her commander. This fact of itself, backed by the uniform approval of his naval conduct by the Department under all Administrations, would be a sufficient refutation of all those allegations against him which the Senator from Texas seemed to delight to dwell upon.

But, sir, the honorable Senator seems to be peculiarly unfortunate in his attempts to injure these officers. His calls for information against members of the board elicit information, not against them, but against the retired or dropped officers whom he wishes to defend. To use a common adage, he often goes after wool, and comes back shorn. [Laughter.] He sought to

make a haul on the naval life of Captain Pendergrast, and in doing so he has made a disclosure, for which I think the friends of Commodore Foxhall A. Parker will never be obliged to him. He has dragged out the letter of Lieutenant May, who preferred charges against Pendergrast, because Pendergrast, in the kindness of his heart, refused to report Commodore Parker for intemperance on board his ship. The document containing this charge ought never to have been called for by the Senator from Texas. We had no business with it. That feeling, however, which seems to follow Pendergrast, and which prompted the Senator to bring forward charges against him of this description, meets with its own punishment in the answer which was returned from the Department. You find that Lieutenant May, in his charge against Pendergrast, thus states his point to the Secretary of the Navy:

“Sir, at this very time, when the admonition was forwarded to me by Commodore Parker, he was recovering from a debauch, in which, only two nights previous, he was howling drunk in his cabin, and for a week or ten days previous was in a continual state of intoxication, to the scandal of a proper example and good morals. And this was no isolated case, for unfortunately the condition, that of intoxication, with Commodore Parker, is of no infrequent occurrence; thereby, in foreign ports, bringing disrepute upon our flag, as the commander in chief of an American squadron. I did [hope] that this unpleasant duty of communicating these things would have devolved, as of right and duty it should, upon the captain of the ship, (Pendergrast.”)

The same document, thus produced on the call of the honorable Senator from Texas, contains the letter of Commodore Parker, on the subject of this charge of Lieutenant May, in which he deprecates a court-martial to try him on this charge of intemperance, and says he would rather resign than submit to such an exposure.

Sir, if any man can take delight in dragging into view such things as these, and publishing them years after they have passed away, I will only say that I do not envy him his enjoyments. I dismiss this with the declaration that I have always had, and yet have, high respect for Commodore Parker, both as an officer and a gentleman; and the information of his intemperance, for which he is indebted to the honorable Senator from Texas, was the first I ever had of the existence of such a fault.

In the call which the Senator from Texas has made, he has exposed transactions affecting the memory of the dead. He has raked and dragged among the ashes of the honored old Commodore Hull to bring up something from his pen against the gentlemen who served on the naval board, and now it becomes my duty for a brief period to refer to what the Senator has elaborated so much in the long speech which he delivered two weeks ago in regard to this point. In the years 1838, 1839, 1840, and 1841, the noble ship Ohio, a first class man of war of one hundred guns and a thousand men, under the broad pennant of Commodore Hull, was cruising in the Mediterranean. On board of her were Pendergrast, Du Pont, Missroon, and Godon, all subsequently officers of the naval board. When the Commodore was about to start from New York on this cruise, he received an order from the Secretary of the Navy, which I shall presently have occasion to read; but before I do so I wish to call the attention of the Senate to the fact, that a dispute arose between the Senator

from Texas on the one side, and the chairman of the Committee on Naval Affairs and my colleague on the other, in regard to what was charged on the one side to be an interpolation of the word "sex" in a letter of Secretary Paulding, which charge was denied. It was asserted that the word was in the original letter to Commodore Hull, in which case it was supposed and conceded that Secretary Paulding had charged these officers with disrespect to the ladies on board the ship, who were the wife of the Commodore and her sister. It was denied on the other hand that the word "sex" was to be found in the original letter. I have no interest to take part with either the one side or the other in deciding that grave and important matter. I have only this to say, that having read the correspondence of Commodore Hull carefully, and finding not one word of complaint in his letters to the Secretary of the Navy that any of these officers had treated the ladies on board the ship with the slightest disrespect, I cannot comprehend how the Secretary of the Navy could have introduced into his dispatch of the 16th of December, 1839, such a charge when there was nothing to lay a foundation for it.

The Senator from Texas, however, contends that the word is in the document; and I understand that some letter-press copy has been found with the word in it. I shall treat the case just as if the word were there. I advert to the matter now for the purpose of showing that the Senator from Texas has himself dragged these ladies before the Senate, and before the country, and thus forced those who undertake, and whose duty it is, to vindicate these naval officers, to consider the propriety of the conduct of the Commodore in taking them on board the ship. I have before me an official copy of a letter of Secretary Paulding to Commodore Hull, written on the 30th of November, 1838, in which he gave him directions how to dispose of the ladies during the cruise. He said:

WASHINGTON, November 30, 1838.

MY DEAR SIR: I am apprehensive the permission I, unofficially, gave Mrs. Hull was not distinctly understood to extend only to her accompanying you to the Mediterranean, and not to comprehend any other female. I have, however, just been informed that Miss Hart, if not two Miss Harts, are to go out with you in the Ohio.

This, certainly, was not my intention; but as any interference on my part at this late moment would probably disarrange your motions, produce great disappointment, and possibly delay the sailing of your ship, I am induced to acquiesce in this addition to your party, with the express understanding that the ladies are to reside on shore during your cruise.

I feel assured that, in order to quiet the clamors and dissatisfaction expressed in every quarter, as well as for the benefit of the service generally, you will willingly make this sacrifice to my wishes, and those of the President.

I am, dear sir, yours very truly,

J. K. PAULDING.

Commodore ISAAC HULL, &c., &c., &c., New York.

What did the Commodore do? The Senator's course compels me to state it. He took the ladies and kept them on board the ship during far the greater part of the whole cruise of between three and four years. The consequence was, that the ward-room officers of the ship, consisting, as I understand, of all the commissioned officers—all the lieutenants, the purser, the chaplain, and the surgeon—were dislodged from their sleeping apartments, and compelled to go to rooms on the orlop deck, below the water-line of the ship, where there is no ventilation, no light, no window, no

means of procuring air except, perhaps, by a windsail. Fancy the condition of men engaged constantly in hard service on board a ship in the Levant, in the oppressive heats of summer, spending what time is allowed them for sleeping in such a position as that! They complained, but they complained most respectfully. They did nothing mutinously. They did nothing which was not perfectly respectful to the Commodore, for whom, no doubt, they all felt great regard. Their complaints were disregarded. They asked that their statement should be sent to the Secretary of the Navy; but permission was refused, and they submitted. The Commodore, instigated, it is believed, by another person, whom it is not necessary to name at present—not one of the ladies—wrote letter after letter to the Secretary of the Navy, until at last Secretary Paulding, under the belief that these officers must have been guilty of something monstrous on board the ship, wrote to them one of the severest reprimands which I ever read. It delighted the Senator from Texas to read it. They were reprimanded publicly on board the ship by the letter of the Secretary being read in the presence of the officers and men; and the Commodore undertook to add to the punishment inflicted by the Secretary of the Navy by ordering four of the officers home in an old store-ship. When they came here they presented their case to the Secretary of the Navy, and proved to his entire satisfaction that he had been laboring under a delusion in reference to the whole matter. The result is to be found in the letter which was read on the floor of the Senate on a former day, exculpating each and every one of these officers in every particular, retracting frankly and honorably all the charges which had been made against them, ordering them to return to the Ohio, and that there the Commodore should cause to be read on the deck of the ship, in the presence of the same audience which had heard the letter of the 16th of December, 1839, the dispatch exonerating them from all the imputations against them. This letter of entire acquittal was accordingly read in public on the deck of the Ohio. Full justice was done to them by Secretary Paulding; and, as I said on a former occasion, he deserved to be honored for it.

One would suppose that all this would have quieted the clamor in regard to these officers forever; but, strange as it may seem, the Senator from Texas delights to bring forward the charges of Commodore Hull, after the Secretary of the Navy had entirely disposed of them. He has presented them again and read them with gusto. In order to get at a few of them, he fires into the whole number of ward-room officers of the Ohio, all of whom were implicated as well as Pendergrast, Godon, Missroon, and Du Pont. In order to strike at these four, who were on the naval board, he produced the evidence against all the members of the ward-room mess—some fifteen in number. Their defense, their exculpation, is to be found in the letter of the Secretary of the Navy; and nothing could be more conclusive.

To one of the officers whom I have just named—Lieutenant Missroon—a passing notice is here due. He is, I understand, a native of South Carolina. He is a most gallant and admirable officer. From the opinions which I gather in every

quarter, I learn he is one of the best seamen in the American Navy. Lieutenant Maury, in his memorial, makes a fling at him, and, with a view to assail the board, says that he himself was retired for one broken leg, while Missroon's leg had been twice broken. As he has thus alluded to this circumstance, I will take occasion here to relate the facts connected with Missroon's broken leg, because the statement of those facts will do honor to that officer, while they will vindicate the decision of the board in his case.

While he was performing the duties of executive officer of the deck of the Ohio, in a gale of wind during the night, standing on the horse block, by a lurch of the ship he was thrown from his elevated position to the deck, and his leg was broken. He was carried below, and there, while the ship was rolling in the tempest, a very imperfect effort was made to set his leg. He was afterwards landed at Mahon with great difficulty and in great agony. The leg at length partially healed, but being badly set, the bones being improperly adjusted would not knit together properly. Still he performed the duties of a lieutenant afloat for two years and a half, on that injured leg, determined, at the hazard of his life, not to retire from the service of his country. The agony which he had endured became at last so intense, that it was found that he must abandon his profession unless some remedy could be had for the defect of this limb. He inquired among the medical men of the country what could be done. At last a distinguished surgeon in Philadelphia told him that the operation which could cure the defect must be by breaking the leg again, cutting away a portion of the bone, and setting it anew, and that, unless he could undergo the agony unavoidably incident to that operation, he must remain as he was. Further he was counseled by this eminent surgeon that it might be at the hazard of his life if such an attempt should be made, and he declined to perform the operation. Missroon told him, "Sir, if you will not do it, I will go to London or Paris, and have it done there." "Then," said the surgeon, "if you are resolved to have it done at the peril of your life, I can do it as well as any Englishman or Frenchman, and I will do it myself." He set about it. The bones were laid bare; they were sawed in two, and the sufferer bore it like a hero. With a chisel and mallet the callous formation, where the bones were united, was hacked away, chip after chip, until the whole of that substance was removed. The heroic sailor bore it without flinching, though unsustained by chloroform or ether, and the result was, that his leg was properly set and he recovered. In ninety days afterwards he was found attending to his affairs in Charleston, South Carolina. He has since performed seven years' service on board ship on that leg, which is now as good as any man's leg here. This is the gentleman whose case Lieutenant Maury has introduced to us, complaining that he who had his leg twice broken was retained in the service, while Maury, whose leg was only once broken, was retired on the leave-of-absence list.

The Senator from Texas, while on one occasion assailing these members of the naval board, took occasion to say that, when Lieutenants Pendergrast, Du Pont, Missroon, and Godon returned from the United States to the ship Ohio, they

made the tour of Europe before going back to their ship. I asked him at the time whether he undertook to say that Du Pont traveled over Europe, and did not go directly to his ship? The Senator did not retract the statement as regards him.

Mr. HOUSTON. I will explain that matter to the Senator. I thought he asked me if Du Pont had not made representations to the Secretary of the Navy on his return, and had not presented a statement of the wrongs which he said were done to him? I understood the question to be, not as to the point of time at which he returned, but whether he was included in the number of those who sought to exculpate themselves before the Secretary of the Navy. That was the question propounded to me as I understood it.

Mr. CLAYTON. The Senator had censured all these officers for wasting their time after being ordered back to the ship. It is my purpose to exonerate them from that imputation, and I will first speak in regard to Du Pont. His wife was dangerously ill at the time. On the entreaties of his friends, permission was granted to him to remain at home for two months to attend to her. Immediately after his leave of absence expired, he started on the most direct route for the ship, reached her in the shortest time possible, and presented his orders to the Commodore. I have the Commodore's letter before me acknowledging that he was fully satisfied with the statement of his conduct made by Du Pont.*

With regard to the other officers, Godon, Pendergrast, and Missroon, it is due to them to state that they went at once, after receiving orders to rejoin the Ohio, to one of the ports of France, and inquired what had become of the ship? The Commodore had then left Port Mahon, and nobody knew where he was going, or where he intended to winter. These officers inquired of the consuls of the United States in every quarter, the consul in Paris among others, and could get nothing to guide them, except a rumor or supposition, which was entertained by some of the consuls, that the Commodore would winter at Spezzia. They immediately set out for Spezzia, but found that the ship was not there. They ascertained that, if they undertook to travel all over Europe, as is now charged, to join her, it would cost more than their pay would allow. They therefore placed themselves in Florence, the cheapest place which they could find, and there waited for intelligence from any and every quarter in regard to the ship. They expected to meet her at Spezzia, but at last they found that she had gone to Mahon,

* At Mr. CLAYTON's request, the reporter inserts the following extract of a letter from ex-Secretary Paulding to Mr. Clayton:

"HYDE PARK, DUTCHESS COUNTY, March 30, 1856.

"Sir: I received, a day or two since, under your frank, a copy of your speech in executive session of the Senate, in vindication of Captain Du Pont from the anonymous attack on his character as an officer; and, though doubtful whether I am indebted to your kindness for it, I prefer being mistaken in supposing such is the case, to exhibiting a want of courtesy in omitting to make my acknowledgment.

"The intercourse I had with Captain Du Pont on that occasion, his frank, manly deportment, and other high characteristics he exhibited, convinced me he fully merited the eulogiums bestowed on him in your eloquent vindication."

and they immediately returned there, and presented their full explanation to the Commodore, and he was satisfied with it. There the case ought to have slept forever. They were guilty of no *laches*, no delay, no neglect. They showed no disrespect to the Commodore. There was no fault to find with them. Du Pont went back immediately. The gentleman asked me on a former occasion if he did not make an apology. No, sir. No apology was ever asked of him, for he had done nothing to require an apology. But Commodore Hull still kept the ladies on board of the ship, in defiance of the orders of the Secretary of the Navy. There is a general order in the Navy Department, prohibiting the carrying of women on board of ships of war without permission of the Secretary of the Navy, and that permission is now never granted, so far as I know.

Mr. HOUSTON. Was that order in existence at that time?

Mr. CLAYTON. Yes, sir; an order was in existence then and before that time, prohibiting any officer from taking women on board his ship without the consent of the Secretary of the Navy. Besides, in this case, there was a special order, as I have shown, allowing the Commodore to take the ladies on board, but "with the express understanding that the ladies are to reside on shore during the cruise."

Now, sir, honored as the name of the gallant Commodore Hull justly is, yet we know that, at the time of these occurrences, he was about seventy years of age. Old age is always honorable, but at that advanced period of life one naturally expects to find man "*difficilis, querulus—castigator censorque minorum.*" And now, with the renewed expression of my regret that the honorable Senator from Texas thought it his duty to bring the name of such a man in this connection and the conduct of these naval officers on shipboard before the public, I drop the subject to meet another attack from him against our sailors while engaged in a battle with the enemies of their country on shore.

The Senator from Texas seemed to take particular pleasure in disparaging all the services of these naval officers. I stated on a former occasion the gallantry of one hundred American sailors, under Captain Du Pont, in Lower California, in the capture of San Vicente, and of the cartel where Lieutenant Heywood was besieged. I said, speaking strictly on the authority of the commanding officer of the squadron in the Pacific, that a more gallant achievement was not on record. I say, now, it will bear the test of all the scrutiny and of all the invidious commentary which the Senator from Texas can bestow on it. He complained that there was but a small number killed or wounded on our side of the action. There were thirteen known to be killed on the side of the enemy, and by one statement there were thirty-five killed; and how many were wounded no man undertook to state. I understand these Lower Californians engaged in that action are among the best horsemen in the world, quite equal, if not superior, to the Mamelukes of Egypt. They can, as I have heard it stated by an officer, now in this city, who was in Lower California at that time, though not engaged in this battle, while riding a horse at full speed wheel him on an ox hide! We know how they attacked and

besieged General Kearny with his troops, on the plains of California, and how that General was relieved by a division from the Congress under Commodore Stockton. They do not fight like the ordinary Mexicans. They are of the old Castilian blood, and are as brave and daring in battle as any soldiers. Fifty of these men, composing Penidas's *veteranos*, were splendidly armed and mounted, in this action, on the finest chargers, flanking our sailors, as they marched, firing on them from the chaparral, and at every step our men took fighting and impeding their progress.

The Senator from Texas, however, finds it to his purpose to sneer at everything done by Captain Du Pont, because he was one of the naval board, and, therefore, denies any merit, not only to him but to all the other officers, and all the seamen, who behaved so nobly in that action. The commodore commanding on the station said that the achievement was one of which "the Navy Department and every American would forever be proud." But, sir, the Senator from Texas finds no merit in it. It is with him a subject of derision and ridicule; and a ground of his contempt for it is, forsooth, that *there were but four men wounded* on our side, in the action. Alas! what a pitiable thing it was that there were only four of our men stricken down by the bullets of the enemy! If they had all been cut to pieces, I suppose Captain Du Pont would have been entitled to great credit. Sir, I have not learned to measure the importance of a commander's services to his country by the number of men under his command who are killed or wounded. If that were the rule, what should we think of the victories of Cressy, of Agincourt, and of Poitiers? In each of these actions not more than twenty-five or, perhaps, fifty Englishmen were stricken down by the enemy; and yet these battles are considered as among the greatest that ever were fought, and they have made the names of the English Henry and Edward immortal. The Senator from Texas is so much better qualified to judge on such a subject than I pretend to be, that it is with all deference to him I venture to ask the question: Is it true that we should judge of the merit of battles by the number of men we may lose in them?

To determine this, let us look a moment at some other victories achieved by American arms. In the battle of New Orleans it was reported that only fourteen or fifteen were killed and wounded on our side. Many thousands were engaged in that contest. Well, sir, another great battle has been fought in modern times, called the battle of San Jacinto; and the Senator from Texas has won well the honors of the hero of San Jacinto. In that battle, according to the statement of his own colleague [Mr. Rusk] to me, there were but seven men killed on the side of Texas—and they did not all die on the field—and only twenty men were wounded. There then were twenty-seven stricken down in an action where seven hundred men were engaged on the Senator's side. Now, if one hundred men in an action had four wounded, seven hundred should have had twenty-eight; and that is more than were stricken down in the battle which shed such honor upon the name of the Senator. I submit, then, that by his own rule he would condemn the most brilliant act of his life. Yet, the hero of San Jacinto has

transmitted his fame to posterity by that glorious victory; and, regardless of this new view of merit, men will continue to honor him for it in future ages.

Mr. HOUSTON. Will the Senator permit me to say a word in this connection?

Mr. CLAYTON. Certainly.

Mr. HOUSTON. It is very true that there were not many killed on the side of the Texans, in the battle of San Jacinto, but they did not depend upon the report of friendly Mexicans or Californians to tell them that there were from thirteen to thirty-five of the enemy killed. They found about seven hundred and thirty killed. I say they found that many on the field.

Mr. CLAYTON. The gentleman, it seems, supposes that he honors himself by the statement of that fact, but I regret that he should measure the glory of an achievement by the amount of blood which is shed in it, flowing from men, many of whom may have fled or ceased to resist. Let me tell him another fact. At the battle of San Vincente—an action of which I venture to say every American Senator here but him is proud—the Californians who fell were slain in the heat of battle, and our sailors would have been cut to pieces had not the former fortunately fired generally too high. That, perhaps, was the effect of their firing on horseback, or often from an ambuscade, behind the chaparral. These Californians were not in the habit of leaving their dead and wounded on the field of battle, but carried them off on their swift horses, on which they could easily escape from any pursuit that an American sailor could make after them. Let it be recollected, to the honor of those engaged in this conflict, that the men whom Du Pont commanded and led to so brilliant a victory were seamen fighting on the land. There was not a soldier among them. The honor due to them will be acknowledged by all impartial men in all time to come, when it is added that this little band was landed at every hazard, in boats, through the surf, in presence of an enemy whose numbers they had no means of estimating; that, regardless whether they were to encounter thousands, whom they had quite as much reason to expect as hundreds, they did not stop to measure the hazard, and conquered, as Lieutenant Heywood says, four times their number. They risked the encounter when they had quite as much reason, before they landed, to expect the opposition of ten times their force. There lies the highest evidence of daring courage, in which respect these sailors have never been excelled.

Among the officers who were with Du Pont on that occasion, and whose services the Senator considered so trifling, were Lieutenant, now Commander, S. C. Rowan, of Ohio; Lieutenant George W. Harrison, of Virginia; Surgeon C. D. Maxwell, of Delaware; Acting Master, now Lieutenant, D. M. Fairfax, of North Carolina; Midshipman E. Vanderhorst, of South Carolina; and Midshipman, now Lieutenant, Robert F. Lewis, of the District of Columbia, and others.

To test the justice of the honorable Senator's view of this achievement of these officers and seamen, on which he dwelt so long, it may be well to compare their losses with those of some whose brilliant actions on the ocean have made our countrymen proud whenever they are mentioned.

We should expect even greater loss on ship-board from the splinters and falling spars in a naval action than in an engagement by the same number on land. Let us take first in order the action of Commodore Hull, in the frigate *Constitution*, with the British frigate *Guerriere*. Our ship, I suppose, had about five hundred men, and the British vessel, as appears by Cooper's Naval History, had two hundred and sixty-three, of whom ten were Americans, who were ordered or had leave to go below, and did not participate in the action. The British frigate was cut to pieces, and sunk. There were but five killed and seven wounded on the part of the Americans. If five hundred men have twelve cut down in battle, on the Senator's principles one hundred men will do very well when they lose four.

Take the case of Decatur's victory in the United States over the Macedonian. There were seven killed and seven wounded—fourteen out of five hundred—a loss smaller in proportion to numbers, than in the battle of San Vincente. Take Commodore Stewart's glorious action in the *Constitution*, against the *Levant* and *Cyane*, where he captured them both; an action in which the brave Shubrick, whom the Senator has attempted to assail, was honored by his commander with the duty of taking possession of the enemy's ship, the *Cyane*. In that action there were but three killed and twelve wounded, and the Senator can cipher out by the rule of three how small an affair that would have been on the principles on which he has depreciated the action in lower California.

Why, sir, if the American people could hear him commenting on such actions, they might think all these victories of ours amounted to nothing, because no more were killed and wounded. Let us go back a little further, to the time when Truxton fought the first battle which gained us reputation as a naval Power. I refer to his victory over the French frigate *l'Insurgent*, which had four hundred and nine men on board, while the *Constitution* had somewhere about the same number. What was the result of that splendid victory over which the American people have rejoiced ever since? There was not one man killed, and there were but three wounded! If the Senator from Texas were to handle that, would he not make a case out of it? Would he not show that old Truxton was not a hero after all, and that his fight was not worth talking about?

Let us take another case—the action between the *Hornet* and the *Peacock*. There was an action where Lawrence in the *Hornet* had many more American sailors than were at San Vincente; yet, only one man was killed, and but two were wounded on our side! In this, as in all the other instances I have referred to, the officers and men engaged received the thanks of Congress and of the country, while the Senator would only name the officers and men of the *Cyane* to ridicule them. Take another case—the action in which Warrington won his honors, between the *Peacock* and the *Epervier*. The British vessel was captured, and there were two men wounded on our side, and not one killed! Medals, honors, and thanks from Congress rewarded that victory, too. But, according to the Senator's view, it would appear to have been a miserable affair, and he could ridicule it finely. Yes, sir, that also would be something for him to whistle over. [Laughter.]

Mr. President, the Senator from Texas produced in the debate a letter which he said was written by Captains Magruder and Du Pont, and which was published in the *Intelligencer* on the 21st of May last.

Mr. HOUSTON. I did not say it was written by them.

Mr. CLAYTON. The Senator said it was delivered by them.

Mr. HOUSTON. I said it was presented by them at the *Intelligencer* office.

Mr. CLAYTON. He left it to be inferred that they wrote it. I am in no wise interested to admit or deny that they delivered it, for I take it for granted that it never was a subject of a moment's consideration with them, whether it was known to the public or not. One thing is certain, from his own statement, that they enjoined no secrecy on the editor, and evidently cared not who knew they presented it to him for publication. There was nothing in the article which a patriot might not properly write. I have examined it critically, and I cannot see what there was in that which could possibly be a fit subject for censure on the part of the Senator. The very passages which he has quoted do credit to the head and the heart of whoever wrote them. These gentlemen did not, I say, care a sixpence at the time when they delivered the paper, whether or not some Paul Pry might come and ask who wrote it, for they took not the slightest pains to conceal their agency from anybody; and consequently, when a call was made on him, Mr. Seaton seems to have had no difficulty in stating that the gentlemen who delivered it were Captains Magruder and Du Pont. I do not know who wrote the article; but there are passages in it which certainly evince ability and a thorough knowledge of the subject. I find in it sentiments which would do honor to either of us if we could claim the paternity of it. These gentlemen did not seek to blazon their names before the country, but they disdained to shun any responsibility by concealment, their only object being to convey valuable information to the public, and especially to gentlemen of their own profession. They delivered the paper openly to the editor, and asked him to print it. Under the editorial head of the *Intelligencer* on the day of its publication, I find this notice:

"The communication is from a source both experienced and intelligent, and will be found no less interesting to the general reader than it is to the professional one."

In order that the Senate may form some idea of this composition in reference to which the Senator from Texas engaged the attention of this body for the greater part of an hour, I will read a few sentences which I think do credit to the writer of it, whoever he may be. The subject is the law to promote efficiency in the naval service:

"The men of the last war, who fought the Navy into favor, were at the age at which *now* our matured midshipmen pass into the grade of lieutenant—the age of those who now command the fleets of France, and the powerful ships of Great Britain. It is the policy of the bill to restore the efficiency of the Navy, by putting maturity in the place of old age; activity in the place of sluggishness; hope in the place of memory."

After reciting the duties of the board the article goes on thus:

"The board have nothing else to do. They are to inquire; they are to form a judgment; they are to report to the Sec-

retary of the Navy, and then they are through. They are bound to make the *inquest*, and pass a judgment on the results.

"Every means of inquiry is open to them. No limit is set to the sources of their information. No rule of judgment is prescribed to them. They are not a *court*, acting on the rights of men. They are only an administrative board of officers, aiding the President with their knowledge and professional judgment in performing the executive duty of seeing that the laws be faithfully executed. It is the duty of the President to keep the public force, on shore and at sea, in an efficient state—ready for any emergency. If men are incompetent—no matter from what cause—it is his duty to know it, to ascertain it, and to remove them, either by his executive power, or by legal proceedings. But, whatever be the means adopted, he is responsible for the efficiency of his instruments. Congress have aided his judgment by giving him the benefit of the *inquest* by the board. They are at free to inquire as the President. They are subject to no other restrictions. They pass their judgment subject to the same responsibilities, and they are subject to no other. They are bound to inquire fairly, earnestly, courageously; to be guided by public considerations alone; to give the country the full benefit of their knowledge and experience; to report the *truth* as it shall appear to them; and to remember that the blood and dishonor of any disaster to the American army—following from any neglect to report any case of incompetency coming within their knowledge—will rest on them and on their memory. Beyond this they have no duty, no right, and no responsibility.

"What follows on their report, the law does through the President. If he disapprove the report, then it is of no effect, and no change is produced. If he in his conscience thinks it ought to be approved, he will so approve it.

"In the eye of the country the first thing is that American seamen and officers shall not be sacrificed by incompetent commanders. If Deceatur were alive, but blind, or a paralytic, or deaf, or dumb, or so feeble as to be unable to encounter the hardships of a cruise, it would be their duty to say so, and leave the country to take care of the hero while supplying his place."

I submit these passages to show that, if the fact could be proved that any officers of the naval board had written and published this article, it would do them honor.

Mr. President, the Senator from Texas told us that he relied only on public documents, and yet in the progress of the discussion he referred to a private letter written to Lieutenant Thorburn by Captain Du Pont, and he dwelt on it very much. All that he said about it was answered by the chairman of the Committee on Naval Affairs, and by my colleague, [Mr. BAYARD,] whose reply to the Senator did equal honor to his head and heart. It was well said by both these distinguished gentlemen, that if that letter, written in the confidence of private friendship, was furnished to the Senator to be read here for the purpose of injuring the man who wrote it, without his permission or consent, the man who gave that letter for that purpose was a dishonored man. The taint will stick to him through life, if such was the fact. When we examine it we find that it is nothing but a playful letter written by Captain Du Pont, in Lower California, to an officer who felt dissatisfied because Du Pont had written an account of the adventures of the Cyane's men to Colonel Burton, of the Army, and had written no account of them to him.

Du Pont's note was playful and mirthful; yet the inference which the Senator drew from it was that Du Pont was endeavoring to extract from such a man as Thorburn applause for his action. Let me tell the Senator that I have seen the reply which Thorburn wrote to Du Pont, and wished to read it here to show how utterly destitute of foundation was the Senator's conjecture.

But, when I asked Du Pont to permit me to present that letter to refute the inference which the Senator drew from the production of Du Pont's letter, he said:

"I will not do it; it is a private letter, and I will not follow any example set by others of publishing letters written in the confidence of private friendship. I consider the whole inference drawn from a garbled extract of my own letter so unworthy of my notice, that I shall take no means to refute so pitiful a pretense, though you see how easily I could do it."

If the Senator can take pleasure in the production of such things as the presentation of private letters written in the confidence of friendship, there are probably but few men in existence whose reputation would stand the test of his explorations, as Du Pont seems to have stood it; but, if every word that any gentleman writes in private confidence, or in playfulness, to his friend, is to be produced afterwards against him, what security is there for any character in this world?

The honorable Senator seemed to take the greatest pleasure in raking up everything which could by possibility reach Captain Du Pont. I took occasion, a few days ago, to say to the Senate that Captain Du Pont was the author of a work which had received high encomiums in Europe, and among others, had received the applause of Lieutenant General Sir Howard Douglass, a most distinguished man in the British service—a writer, who is supposed to understand gunnery and the whole subject of coast defense as well as any man living. I believe I have underrated his title, for I think he has recently been promoted to the rank of a full general. One would naturally suppose that an American would be proud that one of his own countrymen could receive applause from such a man as that. It has not been very long since Europe reproached us with the famous question, "Who reads an American book?" I thought it worthy of being stated here, that Captain Du Pont had made a report on the subject of our national defenses, by the command of the Secretary of War, which extorted the applause and attracted the admiration of such a man as Sir Howard Douglass. I thought also that it was proper to state some other services which Captain Du Pont had rendered to his country by his pen. The Senator from Texas selected this passage from some remarks which I had the honor to deliver, and commented upon it in the following most remarkable terms:

"But, sir, my friend from Delaware has said that Captain Du Pont has done a great many things, and, amongst others, that he absolutely wrote a book for which he received great commendation; but, sir, that book has given him no very great credit, according to the fact which I shall proceed to state. Du Pont was a member of the board appointed by Secretary Kennedy in the fall of 1852, to prepare a code of rules and regulations for the government of the Navy, approved and issued in March, 1853, a few days before the change of administration. The present Secretary, entertaining doubts upon the subject, submitted the case for the opinion of the Attorney General, who pronounced it 'null and void,' the board having exceeded its jurisdiction. This printed code, forming a volume of two hundred and fifty pages, and costing many thousand dollars, became a dead loss in consequence of this board having no definite knowledge of matters more legitimately within their province, than framing and executing laws to promote the efficiency of the Navy."

"You see what a latitudinarian this fellow Du Pont is. [Laughter.] There is no telling what he will not have his fingers in; if you give him an inch, he will take an ell."

Now, mark how plain a tale shall put this down. In the time of Mr. Fillmore, a board, consisting

of Commodore Morris, Commodore Shubrick, Commodore Skinner, Commodore Smith, and Commander Du Pont, selected by the Secretary because he deemed them the ablest men in the Navy for so important a duty, was commissioned to make a code of rules and regulations for the government of the naval service. Captain, then Commander Du Pont, was, as I have said, selected as a member of that board; and it was undoubtedly a great honor to a lieutenant to be detailed for such a service with the oldest and ablest captains and commodores of the Navy. This board reported rules and regulations for the naval service. The board ably discharged its duty, as all have admitted; and Secretary Kennedy and Mr. Fillmore approved their report. It was Mr. Fillmore who ordered this commission, and the Senator's whole attack falls on him, not on that board; for he originated the board, and approved of all its acts, and *put the rules reported into operation!* After this Mr. Fillmore went out of office, and Mr. Pierce came in; and then Attorney General Cushing, looking at the regulations and finding no fault whatever with the labors of the board, decided that their report ought to have the approval of Congress before it could be put in operation; because, by the Constitution of the United States, the consent of Congress was necessary to make such rules and regulations. That is the whole foundation of the story which the Senator related here about Du Pont's having written a book of rules and regulations for the Navy, which, as he represented, the Attorney General had pronounced to be null and void, because the board had exceeded its jurisdiction. So you see he has hit Mr. Fillmore, which was far from his object, and missed Du Pont.

Mr. HOUSTON. The book was not introduced by me into the Senate. The subject was brought forward by the Senator from Delaware.

Mr. CLAYTON. No, sir; that is not the book to which I referred in my remarks. The book to which I alluded was entirely different. The book I spoke of was Du Pont's report on the national defense, so highly admired by Sir Howard Douglass.

Mr. HOUSTON. Then it is a mere mistake about a book.

Mr. CLAYTON. But it is a great mistake about a book. The Senator made a great mistake about this book as well as about many other things.

Mr. HOUSTON. I was referring to a book which had been introduced into the debate by the Senator from Delaware.

Mr. CLAYTON. I will correct the Senator again. I will put him right if he will have patience for a moment. I say again, the book of which I spoke was written by Captain Du Pont on the subject of the national defense. That was not the book to which the Senator referred. He alluded to the rules and regulations of the Navy.

Mr. HOUSTON. I had never heard of Mr. Du Pont having written a book, or with his having had anything to do with book making, until the fact was introduced by the Senator from Delaware; and, of course, all that I said about his book, must have had reference to the book alluded to in the former remarks of the Senator from Delaware. Moreover, I was furnished with a statement which I recited here, and of which I

now have the manuscript containing the facts, in regard to the book of rules and regulations which has been alluded to. I supposed the manuscript, with which I was furnished, to be authentic, and I used it as such. If I had been apprised that there was any error in it, no one would be more ready to retract an erroneous statement than myself. I do not wish to cast the slightest imputation on any gentleman unjustly. I will assail him only on facts which are authentic. If I have done this individual wrong, I will do him justice in my reply to the Senator from Delaware.

Mr. CLAYTON. Let the Senator turn to his own speech and acknowledge the error; let him acknowledge that there is not a word of truth in the whole statement, which has been imposed on him by some unprincipled enemy of Du Pont. The Senator himself was, I have no doubt, imposed upon, as he has himself stated. He is, I have no doubt, incapable of making such a willful misrepresentation. But while I accept his disclaimer of it, what are we to think of the man who, as he says, furnished him with such a statement as this, of which he now has the manuscript?

Such are the sources of information upon which the honorable Senator relies to strike down the characters of the best officers in our Navy.

Mr. President, I regretted the tone and feeling in which the honorable Senator indulged, throughout his whole speech. It gave me, as one of the elder members of the Senate, pain to listen to such a strain of personal invective. It may have been well adapted to the feelings and wishes of some of those who fancy they or their friends have been injured by the decisions of the naval board, but it was eminently calculated to make the judicious grieve. The chairman of the Naval Committee [Mr. MALLORY] observed that there was in the galleries a prearranged audience to hear the honorable Senator; and some exhibitions of gratification in that quarter seemed to indicate the presence of not a few of those who have been unpleasantly affected by the report of the board. When the Senator produced the extract from the private letter to Thorburn, he was so transported that he gave us a long, loud whistle. I have been curious to see how that whistle is reported, and I find it is, very properly as I suppose, represented by the reporter as "like a boatswain's whistle when he pipes all hands to grog." It electrified the galleries; it astounded the Senate.

Mr. HOUSTON. I hope the gentleman will permit me to state that I made but very few corrections in the report of the speech. The corrections made by me were immaterial. The report was so perfect that I had no occasion to alter it. My corrections were very few verbal ones.

Mr. CLAYTON. I made no allusion to any corrections; but it is a pity the gentleman did not correct a great deal of it. Now, sir, we will see how the whistle is reported. In the printed speech before me the Senator quotes from Du Pont's private letter to Thorburn one sentence, and then follows the report of the whistle:

"I candidly confess some disappointment at this, perhaps a little the more as the Cyane had been loud in trumpeting the very clever doings at Guaymas of the Southampton, and would have been pleased with even a faint whistle in return."

[*"A shrill and lengthened whistle, such as a boatswain gives when he pipes all hands to quarters, or to grog, was the Senator's illustration of the passage which he read, and it astonished and amused the crowded galleries."*] [Laughter.]

There, I believe, is a correct report of the whistle. It was a magnificent whistle! I heard it; it astonished—amazed me! When I heard it, I was quite prepared to see the honorable Senator, my old friend from Texas, come down into the vacant area before the chair, and shuffle a horn-pipe of his own improvisation. I did not know what he would do next. I confess I felt somewhat as the sailor said he did who went to a puppet show, and when a keg of gunpowder exploded in some part of the building, and blew him out of the window, cried out, "I wonder what the man will do next!" [Laughter.]

I think you, Mr. President, will agree with me, there was something too much of this for the dignity of the Senate of the United States, supposed, heretofore, to be the gravest and most intellectual body of legislators in the world; and I beg leave further most respectfully to submit to the honorable Senator from Texas, that, exempted as we are by the Constitution from responsibility for any attacks which we may make on defenseless men outside of the Chamber, it does not become us here to make assaults upon those who have no power to reply, or to do themselves justice in case they are wronged. Of all men in the world Senators of the United States should be most scrupulously careful of what they say, in regard to officers in the Army and Navy of the United States, whose position, when their acts are questioned in such a place as the Senate Chamber, is not only delicate but peculiar. Honor is dear to all men, but to men in their position it is the breath of their nostrils. Take that from them, and life is not worth preserving. The reputation of a naval or army officer is, in some respects, like that of a female—it may be tarnished by the breath of suspicion, and it is difficult ever again to restore it to its original brightness.

It should be regarded as the duty of a Senator of the United States, unless when impelled by a stern sense of public duty to do otherwise, to protect these guardians of his country's honor; to applaud them for their valorous deeds; to defend them on every occasion when it can be justly done; and to teach others by example to respect and honor these their protectors and defenders. Painful was the spectacle of a Senator of the United States studiously laboring through a whole day to find matter to ridicule and blacken the reputation of men whose fame has always stood untainted by the breath of calumny, and endeared to the whole country by lives of faithful and gallant service. If the Senator took pleasure in it, I have only to say to him, that at least I hope I may never be present to witness on this floor such a spectacle again.



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